

June 2, 2004

**RE: COSHOCTON COUNTY  
CLOW WATER SYSTEMS  
RCRA-SQG/LDF  
OHD004294849**

Mr. Patrick Huth  
Environmental Manager  
Clow Water Systems  
2266 South Sixth Street  
Coshocton, Ohio 43812

Dear Mr. Huth:

On May 6, 2004, Melody Stewart and I inspected Clow Water System Company's (Clow) facility in Coshocton, Ohio. This inspection was performed to determine Clow's compliance with Ohio's hazardous waste laws and rules as found in Chapter 3734. of the Ohio Revised Code (ORC) and the regulations promulgated thereunder, Chapter 3745 Ohio Administrative Code (OAC).

Based on my observations on May 20, 2004, during a follow-up site visit, Clow has abated the following violation:

- i. Security, OAC rule 3745-54-14(C)/3745-65-14(C).

Based on the May 6, 2004, inspection, Clow is in violation of the following regulations:

1. **Prohibitions**, Ohio Revised Code (ORC) § 3734.02(E) and (F), **Accumulation time of hazardous waste**, OAC rule 3745-52-34(A), and **Closure Plan**, OAC rules 3745-55-12(A)/3745-66-12(A):

Both ORC § 3734.02(E) and (F) require that a person obtain a hazardous waste facility installation and operation permit for the treatment, storage, or disposal of hazardous waste, unless that person is exempt from permitting requirements pursuant to rules adopted by the Director. OAC rule 3745-52-34 requires that hazardous waste be stored in containers, tanks, drip pads, and/or containment buildings. During the inspection, Ohio EPA observed two roll-off boxes which were labeled hazardous waste. When asked of the contents and origin of the hazardous waste, Clow stated that it was Calsibar sand and was a newly identified wastestream, which had previously been managed as non-hazardous waste. Clow stated that recent analytical testing (March 2004) of this wastestream confirmed that barium was present at elevated levels which would classify this waste as a hazardous waste. Based upon information obtained during the inspection, it appears that at the time Clow sampled this wastestream in March 2004, it was being stored in piles in the waste bunker and on the ground beneath the cold pipe rack. Because Clow stored D005 hazardous waste on the ground, in piles, in the waste bunker and on the ground beneath the cold pipe rack, Clow is in violation of

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ORC § 3734.02(E) & (F) and OAC rule 3745-52-34. Additionally, because Clow stored hazardous waste in waste piles in these two areas, it is obligated to conduct closure of these unpermitted units pursuant to OAC rules 3745-55-10/3745-66-10 to 3745-55-20/3745-66-20.

Compliance with these rules will be demonstrated once the following occurs: a copy of the closure plan has been submitted to the director and to this office for review, an approved closure plan for the waste bunker and cold pipe rack area have been implemented, and a closure certification/report has been received, thus demonstrating the attainment of the closure performance standards in OAC rules 3745-55-11/3745-66-11.

2. **Maintenance and operation of facility**, OAC rules 3745-54-31/3745-65-31: Facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any release of hazardous waste constituents to air, soil or surface water.

Clow has failed to minimize the possibility of a hazardous waste release to air and to soil by its management of Calsibar sand (D005) in the waste bunker and in the cold pipe rack area. To ensure this waste stream is managed properly in the future, written procedures for handling this waste should be developed, placed into Clow's Environmental Manual and provided to employees who manage this waste. Compliance will be demonstrated when this office receives a copy of the Calsibar sand management procedures.

3. **Purpose and implementation of contingency plan**, OAC rules 3745-54-51(B)/3745-65-51(B): The provisions of the contingency plan shall be implemented immediately whenever there is a fire, explosion, or release (any unplanned, sudden or non-sudden release) of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Clow has not demonstrated that the contingency plan was implemented when they found that the Calsibar sand waste (D005) had been released onto the ground in the cold pipe rack area - creating conditions that could potentially generate hazardous dust or contaminate soils. This violation will be abated once the majority of the sand in this area is removed and photographs demonstrating this has been achieved are received by this office. This will be considered an interim measure to control releases/exposures until this area can be fully decontaminated through closure as cited in #1 above.

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4. **Closure and post-closure care**, OAC rule 3745-57-10(B)(1)/3745-68-10(B)(1):

At the time of the inspection, several groundhog holes were noticed in the cap on Cell 1. Clow currently has traps set for them, but not all the groundhogs have been removed yet nor have the holes been filled as required by this rule and the Post Closure Plan (PCP). This violation will be abated once photographs - indicating that these holes have been filled and the completed landfill inspection logs (documenting when these actions were completed) - have been provided to this office.

Implementing the actions outlined above will be sufficient to demonstrate abatement of these additional violations.

- **General inspection requirements**, OAC rules 3745-54-15/3745-65-15;
- **Preparedness and prevention**, OAC rules 3745-54-33/3745-65-33;
- **Manifest-general requirements**, OAC rule 3745-52-20;
- **Packaging**, OAC rule 3745-52-30;
- **Placarding**, OAC rule 3745-52-33;
- **Testing, tracking, and recordkeeping requirements for generators, treaters and disposal facilities**, OAC rule 3745-270-07(A)(1).

**General Comments:**

- 1) Order No. 1 of the October 29, 2003, Director's Final Findings and Orders states that "For a period of three years following the effective date of these Orders, (Clow) shall maintain written documentation demonstrating that all wastes generated at the Facility are properly and adequately evaluated to determine if they are identified or listed in OAC Chapter 3745-51." As such, Clow should examine all their raw materials, including all wastes generated at the facility (as indicated in Order No. 1 above) to find any others that contain constituents that could create a hazardous waste. For any potentially hazardous materials found, Clow should examine the process where they are used to determine if any hazardous waste actually is being generated and evaluate them accordingly.
- 2) I have attached a copy of the Guidance concerning Contingency plan implementation for your information. You may want to include this in your Environmental Manual.

Should you have any questions, please feel free to contact me at (740) 380-5278. Please provide the documentation requested above to this office within 30 days from the date of this letter.

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Failure to list specific deficiencies in this communication does not relieve Clow from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve Clow from liability for any past or present violations of the state's hazardous waste laws.

Sincerely,

Rich Stewart  
Environmental Specialist  
Division of Hazardous Waste Management

RS:sb

cc: Tammy McConnell, DHWM-CO  
Dale Warner, DSIWM-SEDO  
Brad Murphy, DHWM-CO